

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES L. JOHNSON, JR.,  
Plaintiff,  
v.  
SOLANO COUNTY SHERIFF, *et al.*,  
Defendants.

Case No. 2:22-cv-02220-KJM-JDP (PC)

FINDINGS AND RECOMMENDATIONS  
THAT THIS ACTION BE DISMISSED FOR  
FAILURE TO PROSECUTE, FAILURE TO  
COMPLY WITH COURT ORDERS, AND  
FAILURE TO COMPLY WITH LOCAL  
RULES

OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

Defendants filed a motion to dismiss, which was previously noticed for hearing on February 2, 2023. ECF No. 3. After plaintiff failed to timely respond to that motion, I ordered him to show cause why sanctions should not be imposed for his failure to comply with the court's local rules. ECF No. 7. I also continued the hearing on defendants' motion and ordered plaintiff to file, by no later than February 16, 2023, either an opposition or statement of non-opposition to that motion. *Id.* I warned him that failure to comply with that order could result in a recommendation that this action be dismissed. *Id.*

The deadline has passed, and plaintiff has not filed an opposition or statement of non-opposition nor otherwise responded to the January 30, 2023 order to show cause. Accordingly, it is hereby ORDERED that the March 9, 2023 hearing on defendants' motion to dismiss is vacated.

Further, it is RECOMMENDED that:

1. This action be dismissed for failure to prosecute, failure to comply with court orders, and failure to comply with the court's local rules.

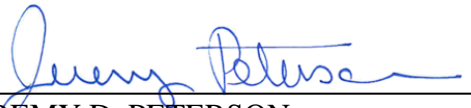
2. Defendants' motion to dismiss, ECF No. 3, be denied as moot.

3. The Clerk of Court be directed to close the case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any response to the objections shall be served and filed within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: March 7, 2023

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE